

REMARKS

This Amendment, submitted in reply to the Office Action dated May 18, 2007, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-33 are pending in the present application. Claims 12, 14-25, 29, and 31-33 have been withdrawn from consideration. Applicant has amended claims 1-8, 10-11, 13 and 26 as indicated above.

I. Title

The Examiner has objected to the title as not being descriptive. Applicant has amended the title to read "Digital Camera Having Collapsible Lens Barrel." Applicant submits that the title is sufficiently descriptive. Therefore, Applicant requests that the objection to the title be withdrawn.

II. Claim Rejections under 35 U.S.C. § 103

Claims 1-3, 11, 13, 26-28 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nomura et al. (U.S. Pub. No. 2003/0156832; hereinafter "Nomura") in view of Wakabayashi et al. (U.S. Patent No. 4,937,609; hereinafter "Wakabayashi").

Claim 1 recites, *inter alia*:

a second lens advancing and saving mechanism in which at the time of the collapse of the lens barrel, the second lens is saved to a second lens saving position out of an optical axis of the image taking lens, and at the time of the extension of the lens barrel, the second lens is advanced onto the optical axis of the image taking lens;
and

a third lens advancing and saving mechanism in which at the time of the collapse of the lens barrel, the third lens is saved to a third lens saving position out of the optical axis of the image taking lens, and at the time of

the extension of the lens barrel, the third lens is advanced onto the optical axis of the image taking lens.

The Examiner asserts that second lens group L2 and third lens group L3 of Nomura teach the claimed second lens and third lens, respectively.

However, contrary to the Examiner's assertions, Nomura does not teach the claimed third lens. Specifically, the claimed third lens is saved to a third lens saving position out of the optical axis of the image taking lens, at a time of a collapse of the lens barrel. At no point is the third lens group L3 of Nomura saved to a position out of the optical axis.

The Examiner appears to concede this point and cites Wakabayashi to cure the deficiency. Assuming *arguendo* Wakabayashi teaches the claimed third lens, it would not be obvious to modify Nomura as suggested by the Examiner.

Nomura discloses that the "third lens frame 22 is driven to move forward and rearward along the optical axis Z1 by a mechanism including the linear guide holes 22b of the two radial arms 22a, the cylindrical portion 22c and the aforementioned feed screw shaft when the feed screw shaft rotates forward and reverse." Therefore, it would be contrary to the principle of operation of the lens group L3 of Nomura to move the lens group out of position of the optical axis. In addition, although Nomura discloses that more than one of the lens groups can be positioned outside the optical axis, Nomura discloses that the other lens group would be the first lens group and not the third lens group. See Nomura para. [0073].

In addition, Nomura discloses that "[a]lthough the second lens group L2 is the optical element among the optical elements of the photographing optical system which is removed from a position on the optical axis thereof in the above illustrated embodiment of the retractable zoom lens, one or more of any other optical element such as the diaphragm shutter S and the low-pass filter F can constitute the removable optical element(s) in the same manner as the second lens

group L2 of the above illustrated embodiment of the retractable lens system.” See Nomura para. [0076]. However, there is no teaching or suggestion that the third lens group L3 is moved out of position of an optical axis.

In view of the foregoing, Applicant submits that it would not be obvious to move the third lens group L3 of Nomura out of the optical axis as claimed. Further, the Examiner’s reasoning merely appears to be based on impermissible hindsight upon viewing the Applicant’s disclosure.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable.

III. Allowable Subject Matter

The Examiner has indicated that claims 4-10 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At the present time, Applicant has not rewritten claims 4-10 in independent form since Applicant believes they will be deemed allowable by virtue of their dependency to claim 1 for at least the reasons set forth above.

IV. New Claims

Applicant has added claim 34 to provide a more varied scope of protection. Claim 34 is readable on the elected species and should be deemed allowable by virtue of its dependency to claim 1 for at least the reasons set forth above. Moreover, the art cited by the Examiner does not teach the elements of claim 34.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Application No.: 10/693,930

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

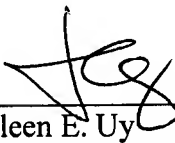
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER



Ruthleen E. Uy
Registration No. 51,361

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